



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-28052022-236065  
CG-DL-W-28052022-236065

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY  
साप्ताहिक  
WEEKLY

सं. 21] नई दिल्ली, मई 22—मई 28, 2022, शनिवार/ज्येष्ठ 1—ज्येष्ठ 7, 1944  
No. 21] NEW DELHI, MAY 22—MAY 28, 2022, SATURDAY/JYAISTHA 1—JYAISTHA 7, 1944

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

पृथ्वी विज्ञान मंत्रालय  
(भारत मौसम विज्ञान विभाग)

नई दिल्ली, 22 अप्रैल, 2022

**का.आ. 496.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित 1987, 2007 और 2011) के नियम 10 के उप-नियम (4) के अनुसरण में, पृथ्वी विज्ञान मंत्रालय के अधीनस्थ कार्यालय भारत मौसम विज्ञान विभाग के अधीन निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

1. मौसम केंद्र पटना, जय प्रकाश नारायण अंतरराष्ट्रीय हवाई अड्डा, पटना- 800014 (बिहार)
2. मौसम केंद्र राँची, बिरसा मुंडा हवाई पत्तन रोड, हिनू, राँची- 834002 (झारखंड)
3. मौसम केंद्र देहरादून, मोहकमपुर, हरिद्वार रोड, देहरादून- 248005 (उत्तराखंड)

[फा. सं. DGM-HQ- 28019(11)/1/2021 OL section DGM]  
डॉ. विजय कुमार सोनी, उपमहानिदेशक (प्रशासन)

**MINISTRY OF EARTH SCIENCES**  
**(India Meteorological Department)**

New Delhi, the 22nd May, 2022

**S.O. 496.**— In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 (as amended in 1987, 2007 and 2011), the Central Government hereby notifies the following offices under the India Meteorological Department, a subordinate office of the Ministry of Earth Sciences whereof more than 80 percent staff have acquired working knowledge of Hindi.

1. Meteorological Centre Patna, Jay Prakash Narayan International Airport, Patna- 800014 (Bihar)
2. Meteorological Centre Ranchi, Birsa Munda Airport Road, Hinoo, Ranchi-834002 (Jharkhand)
3. Meteorological Centre Dehradun, Mohkampur, Haridwar Road, Dehradun-248005( Uttarakhand)

[F. No. DGM- HQ- 28019(11)/2021 OL section DGM]

Dr. VIJAY KUMAR SONI, DDG (Administration)

**श्रम और रोजगार मंत्रालय**

नई दिल्ली, 20 मई, 2022

**का.आ. 497.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/53/2005-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 20th May, 2022

**S.O.497.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2006) of the Central Government Industrial Tribunal-cum-Labour Court NO.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/53/2005 – IR (C-D)]

RAJENDER SINGH, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 25/2006**

Employer in relation to the management of Sijua Area of M/s. BCCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : Sri D.K. Verma, Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 20.04.2022

**AWARD**

By Order No.L-20012/53/2005- IR (C-I) dated 19.12.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the NCWA from the management of BCCL, Sijua Area that Smt. Surjee Bhuini, wife of late Nanka Bhuia, workman may be given employment under the provisions of NCWA justified? If so, to what relief is the said dependant entitled?”**

2. The reference is received on 13/02/2006 by this Tribunal in which the Vice President of National Coal Workers Congress, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but the workman/union didn't appear before the Tribunal. Further the management had appeared on certain dates but union/workman had failed to appear before the Tribunal. Thereafter notice had been issued to the workman/union which returned unserved. Now the Case is pending since 13/02/2006 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 498.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 34/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं.एल-20012/143/2005-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 498.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2006) of the Central Government Industrial Tribunal-cum-Labour Court NO.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/143/2005-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 34/2006**

Employer in relation to the management of Barora Area of M/s. BCCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 20.04.2022

**AWARD**

By Order No.L-20012/143/2005- IR (C-I) dated 23.01.2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of BCCL, Barora Area to pay to the Trammers of Damoda Colliery fixed wage and not fix Trammings rates as per NCWA provisions justified? If not, to what relief are the workmen entitled and from what date?”**

2. The reference is received on 13/02/2006 by this Tribunal in which the General Secretary, Bihar Colliery Kamgar Union, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now Case is pending since 13/02/2006 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 499.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 26/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/99/2005-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 499.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2006) of the Central Government Industrial Tribunal-cum-Labour Court NO.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/99/2005-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 26/2006**

Employer in relation to the management of Western Jharia Area of M/s. BCCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 20.04.2022

**AWARD**

By Order No.L-20012/99/2005- IR (C-I) dated 19.12.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub -section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Jharkhand Colliery Mazdoor Union from the management of BCCL, W J Area, that Sh. Bajrangi Nonia and 14 others workmen (as per list) may be regularized as LDH**



**Operators in T & S Grade 'C' with all consequential benefits justified? If so, to what relief are the workmen concerned entitled and from what date?"**

**कर्मकारों की सूची**

- |                            |                                |
|----------------------------|--------------------------------|
| 1. श्री बजरंगी नोनिया      | 2. श्री बैजनाथ नोनिया          |
| 3. श्री राजेश्वर बेलदार    | 4. श्री छेदु पासी              |
| 5. श्री सिराज अंसारी       | 6. श्री निमाई गोप              |
| 7. श्री भोला नोनिया        | 8. श्री विदेशी बाउरी           |
| 9. श्री अर्जुन सिंह        | 10. श्री खगेश प्रसाद मानिकपुरी |
| 11. श्री राम प्रवेश नोनिया | 12. श्री एस. के. सोरेन         |
| 13. श्री परमेश्वर हजाम     | 14. श्री विष्णु बाउरी          |
| 15. श्री हराधन बाउरी       |                                |

2. The reference is received on 15/02/2006 by this Tribunal in which the Zonal Secretary of Jharkhand Colliery Mazdoor Union, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Thereafter notice of the workman/union returned unserved. Now Case is pending since 15/02/2006 and workman/union as well as management is not appearing before Tribunal. So, it is felt that workman/union has lost its interest in this matter. Hence "No Claim" Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 500.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 38/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/489/2001-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 500.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38 / 2002) of the Central Government Industrial Tribunal-cum-Labour Court NO.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/489/2001-IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 38/2002**

Employer in relation to the management of Pindra Colliery of M/s. CCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 18.04.2022

**AWARD**

By Order No.L-20012/489/2001- IR (C-I) dated 01.03.2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of CCL, Pindra Colliery in imposition penalty of demotion in grade on Shri Mahtaha Prasad is just, fair and legal? If not, to what relief is the concerned workman entitled?”**

2. The reference is received on 21/03/2002 by this Tribunal in which the President of R.C.M.S, Pindra Branch, Hazaribag had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now Case is pending since 21/03/2002 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No “Claim Award” is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 501.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 06/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/43/2007-आईआर सीएम-1]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 501.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2008) of the Central Government Industrial Tribunal-cum-Labour Court No.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/43/2007-IR (CM-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act, 1947

**Reference: No. 06/2008**

Employer in relation to the management of Western Jharia Area of M/s. BCCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : Sri H. Baitha, O.S. (Legal)

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 19.04.2022

**AWARD**

By Order No.L-20012/43/2007- (IR(CM-I)) dated 25.02.2008 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Moonidih Project of M/s BCCL in denying acceptance of resignation and providing of benefits of VRS to Shri Sagar Lal Hembram, Conveyor Belt Operator, is justified and legal? If not, to what relief is the concerned workman entitled and from which date?”**

2. The reference is received on 12/03/2008 by this Tribunal in which the Working President, Janta Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but union/workman did not appear before the Tribunal. However management had appeared on 30/12/2021 and 21/02/2022. Now Case is pending since 12/03/2008 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 502.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 66/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/49/2005-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 502.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2005) of the Central Government Industrial Tribunal-cum-Labour Court NO.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/49/2005 – IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 66/2005**

Employer in relation to the management of Kustore Area of M/s. BCCL

**AND****Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : Sri Ganesh Prasad, Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 19.04.2022

**AWARD**

By Order No.L-20012/49/2005- IR (C-I) dated 26.07.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Janta Mazdoor Sangh from the management of Kustore Colliery of M/s BCCL for providing employment to Sri Ranjit Kumar, as dependent son of Late Baijnath Sharma, Ex-Asstt. Foreman, Kustore Regional Store on compassionate grounds is justified? If so, to what relief is the said Sh. Ranjeet Kumar entitled?”**

2. The reference is received on 22/08/2005 by this Tribunal in which the Secretary of Janta Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but the workman/union didn't appear before the Tribunal. Further the management has appeared on certain dates but union/workman has failed to appear before the Tribunal. Now the Case is pending since 22/08/2005 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 503.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 62/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/49/2003-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 503.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( Ref. No. 62/2003) of the Central Government Industrial Tribunal-cum-Labour Court NO.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/49/2003 – IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 62/2003**

Employer in relation to the management of Sijua Area of M/s. BCCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : None

For the workman. : Sri Sadhu Sharan Pd. Representative

State : Jharkhand.

Industry:- Coal

Dated : 19.04.2022



**AWARD**

By Order No.L-20012/49/2003- IR (C-I) dated 08.07.2003 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Jharkhand Janta Mazdoor Union from the management of Loyabadi Colliery under Sijua Area of M/s BCCL for regularising Sri Sachidanand Singh in the post of Dhowra Supervisor w.e.f. 14.2.91 and to pay the appropriate wages etc. from the said date and to allow him duty as such, at Sendra Bansjora Colliery is fair and justified? If so, to what relief is the concerned workman entitled?”**

2. The reference is received on 22/07/2003 by this Tribunal in which the General Secretary, JJMU, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but union/workman did not appear before the Tribunal but the management had appeared on 06/12/2021. Further in course of hearing of the case, the Representative of Sponsoring Union Sri Sadhu Sharan Prasad has informed that the concerned workman and his family member are not interested in contesting the case. In view of such it is felt that the workman/union has lost its interest in this matter. Hence “No Claim” award is passed. communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 504.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 66/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/207/2005-आईआर-(सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 504.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2006) of the Central Government Industrial Tribunal-cum-Labour Court NO.1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/207/2005-IR (CM-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

**Reference: No. 66/2006**

Employer in relation to the management of Kusunda Area of M/s. BCCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated : 18.04.2022

**AWARD**

By Order No.L-20012/207/2005 (IR (CM-I)) dated 12.06.2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Bihar Colliery Kamgar Union from the management of BCCL, Kusunda Area that Sh. Munna Beldar, Cableman may be regularized as Drill Operator (EXCVN) justified? If so, to what relief is the workman entitled and from what date?”**

2. The reference is received on 12/07/2006 by this Tribunal in which the Secretary, Bihar Colliery Kamgar Union, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal but the notice of the workman/union returned unserved. Now Case is pending since 12/07/2006 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 505.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह-श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 29/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/165/2015-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 505.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.29/2016) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/165/2015 -IR (CM-1)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD**

**PRESENT** : Dr. S. K. Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

**REFERENCE NO 29 OF 2016****PARTIES:**

The General Secretary,  
Bhartiya Mazdoor Samgh,  
At: Beech Balihari, Kusunda, Dhanbad -828121

**Vs.**

The General Manager  
M/s. Bharat Coking Coal Ltd.,  
At Koyla Bhawan, PO: Koyla Nagar,  
Dhanbad -826005

**Order No. L-20012/165/2015-IR(CM-I) dated 15.02.2016**

On behalf of the workman/Union : None

On behalf of the Management : Mr. D. K. Verma, Ld. Advocate

**State : Jharkhand Industry : Coal****Dated, Dhanbad, the 28<sup>th</sup> March, 2022****AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L-20012/165/2015-IR(CM-I) dated 15.02.2016.**

**SCHEDULE**

**“Whether the action of the Management of Central Workshop, East Bassuria under BCCL HQ in not paying salary from 01.01.2009 to 06.10.2009, Underground Allowance from 1973 to 1979, Arrears of NCWA amounting to Rs. 64,460.00, Leave encashment for 22 days, Bonus for 2009 & 2010, LLTC & LTC for block 1999, 2006 and 2007 and other dues to Sri Jamuna Mistry, Ex-Block Smith is fair and justified? To what relief the concerned workman is entitled to”**

1. On receipt of the above reference from Government of India and subsequently registration on 25.02.2016 notices were sent to the workman as well as to the Respondent/Management. The notices are understood to have delivered to its destination as none turned undelivered. Even after notices, no written statement of claim has been filed though ample opportunity was given to the workman to file the same nor did turn up for appearance which construes convincingly facts of workman's unwillingness in adjudication of the matter. The disputant who raised the issue is supposed to be well conversant with fact of time-limitation within which the claim should have been filed.

2. It is stated that the workman has not shown an inclination to put his appearance nor did file statement of claim, a basis over which Tribunal usually exercise its jurisdiction. Further lingering of the matter over subject matter it will be abuse of time and effort of the Tribunal. In view of the facts and materials placed on record the Tribunal did not find merit in the matter of case to allow relief as sought for in the absence of any required adjudication. So this Industrial Dispute appears to be no more existing specifically on account of non-inclination of the workman. Tribunal passes no “No Claim award” in this Industrial Dispute with Reference No. 29/2016 as the workman himself appears reluctant to contest the case.

3. Let the copy of this Award be sent to the Appropriate Government as required under I.D. Act for publication.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 506.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 05/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/17/2018-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 506.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.05/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/17/2018 – IR (CM-1)]

RAJENDER SINGH, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

#### Reference: No. 05/2018

Employer in relation to the management of P.B. Area of M/s. BCCL

AND

Their workman

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

#### Appearances:

For the Employers : Sri D.K. Verma, Advocate

For the workman. : Sri K.N. Singh, Representative

State : Jharkhand

Industry:- Coal

Dated : 19.04.2022

### AWARD

By Order No.L-20012/17/2018 (IR(CM-I)) dated 19.04.2018 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

### SCHEDULE

**“Whether the action of the Management of PB Area of M/s BCCL in denying regularisation/Promotion to Shri Sadanand Pandey from SBA Cat.VI to Assist. Foreman Grade “C” is proper, legal and justified? If not, what relief the concerned workman is entitled to and from which date?”**

2. The reference is received on 01/05/2018 by this Tribunal in which the Vice President, Janta Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and both parties appeared for certain dates. Further during the pendency of the case, the concerned workman Sri Sadanand Pandey appeared on 18/10/2021 and filed a withdrawal petition stating therein that he is not interested to proceed with the reference case and he has prayed for withdrawal of the dispute which was allowed. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 507.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 194/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/279/2001-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव



New Delhi, 20th May, 2022

**S.O. 507.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 194/2001) of the Central Government Industrial Tribunal-cum-Labour Court No. 1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/279/2001 -IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 194/2001**

Employer in relation to the management of Rajhara Area of M/s. CCL, Palamu

**AND****Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers No.I : None

For the Employers No.II : None

For the workman. : -None

State : Jharkhand

Industry:- Coal

Dated : 18.04.2022

**AWARD**

By Order No.L-20012/279/2001-IR(C-I) dated 13.09.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“क्या सी.सी.एल., राजहारा क्षेत्र के प्रबंधतंत्र द्वारा श्री निर्मोही चौधरी की जन्म तारीख विभिन्न प्रमाण पत्रों के आधार पर 25.7.37 को सही न मानते हुये उन्हें 13.2.97 से सेवा निवृत्त किया जाना उचित एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं?”**

2. The reference is received on 15/10/2001 by this Tribunal in which the Mines Agent, Hutar Colliery of CCL, Palamu had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, all three parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Thereafter Regd. Notice was issued to all three parties which returned unserved. Now Case is pending since 15/10/2001 and workman/union as well as management is not appearing before Tribunal. So, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 20 मई, 2022

**का.आ. 508.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 45/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/165/2004-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 20th May, 2022

**S.O. 508.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 1 DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 19.05.2022.

[No. L-20012/165/2004 –IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947

**Reference: No. 45/2005**

Employer in relation to the management of P.B. Area of M/s. BCCL

**AND**

**Their workman**

**Present:** Shri Dinesh Kumar Singh, Presiding Officer

**Appearances:**

For the Employers : Sri Ganesh Prasad, Advocate

For the workman. : None

State : Jharkhand

Industry:- Coal

Dated : 19.04.2022

**AWARD**

By Order No.L-20012/165/2004- IR (C-I) dated 02.06.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Pootki Colliery of M/s BCCL in dismissing Smt. Jhanu Bourin from the services of the company w.e.f. 14.3.2001 is fair and justified? If not, to what relief is the workman entitled?”**

2. The reference is received on 18/07/2005 by this Tribunal in which the General Secretary of B.C.K.U, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but the workman/union didn't appear before the Tribunal. Further the management had appeared on certain dates but union/workman had failed to appear before the Tribunal. Now the Case is pending since 18/07/2005 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 24 मई, 2022

**का.आ. 509.**—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पवन हंस लिमिटेड के कारखानों और स्थापनाओं के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से छूट प्रदान करती है। यह छूट इस अधिसूचना के जारी होने की तारीख से एक वर्ष की अवधि के लिए प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;

- (2) कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसूविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रवर्तन के अध्यधीन था ऐसी विवरणियां, ऐसे प्रारूप में और ऐसी विशिष्टियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप धारा (1) के अधीन नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या निगम का इस प्रयोजन के लिए इस निमित्त प्राधिकृत कोई अन्य पदधारी-
  - (i) उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरण में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या
  - (ii) यह अभिनिश्चयन करने के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
  - (iii) यह अभिनिश्चयन करने के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या
  - (iv) यह अभिनिश्चयन के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा-
    - (क) प्रधान या आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए आवश्यक समझता है ; या
    - (ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
    - (ग) प्रधान या आसन्न नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
    - (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;
    - (ङ) यथास्थिति ऐसी अन्य शक्तियों का प्रयोग करना ।

- (6) विनिवेश या निगमीकरण के मामले में, प्रदत्त छूट स्वतः रद्द हो जाएगी और तब नए प्रतिष्ठान को छूट के लिए समुचित सरकार को आवेदन करना होगा।

[सं. एस-38014/02/2020-एस एस-I]

मदन चौरसिया, अवर सचिव

New Delhi, the 24th May, 2022

**S.O. 509.**—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **Pawan Hans Limited** from the operation of the said Act. The exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
    - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
    - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
    - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
    - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
    - (e) exercise such other powers as may be specified.
- (6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and then the new entity may apply to the appropriate Government for exemption.

[No. S-38014/02/2020-SS-I]

MADAN CHAURASIA, Under Secy.



नई दिल्ली, 24 मई, 2022

**का.आ. 510.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उप महाप्रबंधक, बीएसएनएल, दूरसंचार कारखाना, दूरसंचार विभाग, भिलाई, (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और श्री जहीर अहमद, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/24/2005) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.05.2022 को प्राप्त हुआ था।

[सं. एल- 40012/165/2004-आईआर-(डीयू)]

डी.के.हिमांशु, अवर सचिव

New Delhi, the 24th May, 2022

**S.O. 510.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/24/2005) of the Central Government Industrial Tribunal cum Labour Court – Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Deputy General manager, BSNL, Telecom Factory, Department of Telecommunication, Bhilai, (M.P.), and Shri Zaheer Ahmed, worker, which was received along with soft copy of the award by the Central Government on 18/05/2022.

[No. L-40012/165/2004-IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR****NO. CGIT/LC/R/24/2005****Present:** P. K. Srivastava, H.J.S..( Retd)

Shri Zaheer Ahmed  
S/o Shri N.Ahmed,  
R/o Subba Sah Ki Mazar,  
Thakkar Gram, Adhartal, Jabalpur (M.P.)

...Workman

**Versus**

The Deputy General manager,  
BSNL, Telecom Factory,  
Department of Telecommunication,  
Bhilai (M.P.)

..Management

**AWARD**(Passed on this 4<sup>th</sup> day of May-2022)

As per letter dated 23/3/2005 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-40012/165/2004-IR(DU).The dispute under reference relates to:

*“Whether the action of the management of Deputy General Manager, Telecom Factory, Bhilai, Durg (Chhattisgarh) in imposing the punishment of termination of the services on Shri Jahir Ahmed S/o Shri N. Ahmed, Ex-Mazdoor, T.No. 1153 vide order dated 15/8/2001 is justified? If not, to what relief the concerned workman is entitled to?”*

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.
2. The case of the workman as stated in his statement of claim is that he was first appointed as General Mazdoor with the Management. He came to Jabalpur on 1-3-1993 because he was suffering from Schizophrenia disease, after oral information to management where he had been under treatment from Government Victoria Hospital Jabalpur. He informed about his sickness to the management after full recovery. He approached the Management for joining his duties on 19-9-1998 but the management refused to permit him to continue. Subsequently the management issued a charge memorandum dated 19-3-1999 alleging him of unauthorized absence from duties and also stating that the medical certificates filed by him were frivolous and bogus. The workman was dismissed from service on the charge of unauthorized and willful absence from duty on the basis of inquiry which was not done properly. Charges

were not proved and punishment is disproportionate to the charge. Accordingly it has been prayed that setting aside the order of dismissal the workman be reinstated with all back wages and benefits.

3. The Management has stated that the workman absented himself for more than 5 years and the inquiry was conducted against him in which was found guilty of unauthorized and willful absence without getting any leave sanctioned. The inquiry was conducted legally and properly, charges are proved and punishment is proportionate to the charge.

4. On the basis of pleadings, following issues were framed:-

**“1. Whether the Departmental inquiry conducted against the workman is legal and proper or not?**

**2. Whether the punishment is proportionate to the charge?**

**3. Whether the workman is entitled to any relief?”**

5. **ISSUE NO.1:-** Issue No.1 was taken as preliminary issue and was decided in favor of the Management holding the departmental inquiry legal and proper vide order dated 22-12-2021. Thereafter the parties were given opportunity to lead evidence on other issues. None of the parties produced any evidence.

6. I have heard arguments of learned counsel for the management Shri A.K. Shashi. The workman did not appear for arguments. He did not file any written arguments also. I have gone through the record.

7. **ISSUE NO.2:-** Before entering into merits of Issue No.2, the other point arises as to whether the charges are proved from the Inquiry or not? According to the workman, the charges were not proved from the inquiry. The case of the Management was that the charges were well proved from the evidence collected during the inquiry.

8. The charge against the workman was that he absented himself for about more than 5 years i.e. from 2-3-1993 to 19-8-1998 without any intimation and any leave sanctioned to him. Thus he willfully and unauthorisedly absented himself from duty during the said period, hence committed mistake. The inquiry Office has held the charges proved on the basis of the evidence collected during the inquiry, as it is evident from the perusal of Inquiry Report. The inquiry papers proved by the Management go to show that the workman did file some medical certificates but he did not care to examine the doctor's issuing these certificates and treatment. The Inquiry Office found that the medical certificates were not genuine because they did not contain any opd number. The burden to prove that the absence was not willful was on the workman during the inquiry. Simply by filing medical certificates, he cannot be held to have proved his absence in voluntarily, hence the finding of the Inquiry Officer that the charge is proved is supported by evidence during the Inquiry and there is no occasion to differ.

9. As regards the proportionality of punishment, the charge is of unauthorised and willful absence for 5 years for which major punishment of termination/dismissal from service is provided in rules. The discretion exercised by the Controlling and Disciplinary Authority cannot be held to be disproportionate with respect to the punishment in the given facts and circumstances of the case in hand. **Accordingly the Issue No.2 is answered against the workman.**

10. **ISSUE NO.3:-** On the basis of the findings recorded in Issue No.1 and Issue No.2, the workman is held entitled to no relief.

11. On the basis of the above discussion, following award is passed:-

**A. The action of the management of Deputy General Manager, Telecom Factory, Bhilai, Durg(Chhattisgarh) in imposing the punishment of termination of the services on Shri Jahir Ahmed S/o Shri N. Ahmed, Ex-Mazdoor, T.No.1153 vide order dated 15/8/2001 is held to be just and proper.**

**B. The workman is held entitled to no relief.**

12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 मई, 2022

**का.आ. 511.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रभारी अधिकारी, केंद्रीय ईंधन अनुसंधान संस्थान, बिलासपुर यूनिट नंबर 27, बिलासपुर,; मेसर्स कान्ति सिक्योरिटी सर्विसेज, यदुनंदन नगर, बिलासपुर (छ.ग.); मेसर्स इंटरनेशनल सिक्योरिटी फोर्सेड, यदुनंदन नगर कॉलोनी, तफरा, बिलासपुर (छ.ग.), मेसर्स प्राइमर सिक्योरिटी सर्विसेज, इंदिरा कॉलोनी, तारबहार, बिलासपुर (छ.ग.), के प्रबंधन के संबद्ध नियोजकों और श्री रामाधार सूर्यवंशी, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/79/2005) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.05.2022 को प्राप्त हुआ था।

[सं. एल-42012/118/1999-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 24th May, 2022

**S.O. 511.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/79/2005) of the Central Government Industrial Tribunal cum Labour Court – Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Officer in Charge, Central Fuel Research Institute, Bilaspur Unit No.27, Bilaspur, M/s Kanti Security Services, Yadunandan Nagar, Bilaspur(C.G.); M/s International Security Forced, Yadunandan Nagar Colony, Taffra, Bilaspur (C.G.), M/s Primer Security Services, Indira Colony, Tarbahar, Bilaspur (C.G.), and Shri Ramadhar Suryavanshi, worker, which was received along with soft copy of the award by the Central Government on 18.05.2022.

[No. L- 42012/118/1999- IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR****NO. CGIT/LC/R/79/2005****Present:** P. K. Srivastava, H.J.S..( Retd)

Shri Ramadhar Suryavanshi,  
Ex-worker of CFRI,  
Village & PO:Pandaripur, Post Ghutaku  
TQ:Takhatpur, District Bilaspur-495001.

... Workman

**Versus**

The Officer in Charge,  
Central Fuel Research Institute  
Bilaspur Unit No.27, Khuli Chowk  
Post Box No.41, Bilaspur-495 001.

2. M/s. Kanti Security Services  
Yadunandan Nagar, Bilaspur (C.G.)
3. M/s. International Security Forced,  
Yadunandan Nagar Colony,  
Taffra, Bilaspur (C.G.)
4. M/s. Primer Security Services,  
Indira Colony, Tarbahar, Bilaspur (C.G.)

... Management

**AWARD****(Passed on this 13-5-2022)**

As per letter dated 9-8-2005 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.I-42012/118/1999-IR(DU). The dispute under reference relates to:

***“Whether the action of the management of Kanti Security Services, Bilaspur (CG), Primer Security Services, Bilaspur (CG), International Security Force, Bilaspur and Central Fuel Research Insittue, Bilaspur (CG) in terminating the services of Shri Ramadhar Suryavanshi is justified?if not, what relief the workman is entitled to?”***

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.

2. The preliminary plea is regarding maintainability of this reference before this Tribunal. Neither of the parties have filed their written argument. I have gone through the record and the evidence will be discussed as and when required.

3. In the light of perusal of record, the issue which comes up for determination is that :-

**1. Whether the Management of Central Fuel Research Institute which is an ancillary of Central Scientific and Industrial Research(CSIR) is employer for the purposes Industrial Dispute Act 1947, hereinafter referred to as the word Act?**

**2. Whether the dispute is cognizable by this Tribunal or not ?**

4. There is a judgment of Hon'ble the Apex Court passed in the case of **Smt. Padma Ravindranath and Others Vs. Council of Scientific & Industrial Research**, Civil Appeal No. 17872/1792 of 1991 decided by order dated 5-2-1995 wherein the Hon'ble Court has held that CSIR is not an industry for the purposes of the Act.

5. In the light of these preposition of law, the dispute between the parties cannot be termed as Industrial Dispute. Hence the dispute is not cognizable by this Tribunal and the reference requires to be answered accordingly.

6. The Reference is not maintainable before this Tribunal as CSIR is not an industry as defined in Industrial Disputes Act,1947 .

7. On the basis of the above finding, the reference is held not cognizable by this Tribunal.

8. The reference is answered accordingly.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 मई, 2022

**का.आ. 512.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य महाप्रबंधक, टेलीकॉम फैक्ट्री, राइट टाउन, जबलपुर (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और श्री रामरतन पारुस, द्वारा सचिव ऑल इंडिया पी एंड टी इंडस्ट्रियल वर्कर्स यूनियन, टेलीकॉम फैक्ट्री, राइट टाउन, जबलपुर (म.प्र.), कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/25/2002) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.05.2022 को प्राप्त हुआ था।

[सं. एल- 40011/24/2001-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 24th May, 2022

**S.O. 512.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/25/2002) of the Central Government Industrial Tribunal cum Labour Court – Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief General Manager, Telecom Factory, Right town, Jabalpur (M.P.), and Shri Ramratan Parus, through The Secretary All India P&T Industrial Workers Union, Telecom Factory, Wright Town, Jabalpur (M.P.), which was received along with soft copy of the award by the Central Government on 18.05.2022.

[No. L-40011/24/2001-IR (DU)]

D. K. HIMANSHU, Under Secy.



**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,**  
**JABALPUR**  
**NO. CGIT/LC/R/25/2002**

**Present:** P. K. Srivastava, H.J.S..( Retd)

Shri Ramratan Parus  
 Secretary All India P & T  
 Industrial Workers Union,  
 Telecom Factory,  
 Wright Town, Jabalpur (M.P.)

... Workman

**Versus**

The Chief General Manager,  
 Telecom Factory  
 Right town, Jabalpur (M.P.)

...Management

**AWARD**

**(Passed on 10-5-2022)**

As per letter dated 22/1/2001 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L 40011/24/2001-IR(DU). The dispute under reference relates to:

*“Whether the action of the management of Telecom Factory, right Town, Jabalpur in awarding punishment of reduction of pay to the minimum of pay scale for a period of three years with effect to postpone future increments for participating in Union activities in the Factory on 5/10/88 to Shri D.J.Mukherjee and Mohd. Tahir is just and legal?If not to what relief the workman is concerned?.”*

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.
2. According to the workman the departmental inquiry was initiated against two workmen D.J.Mukherjee and Mohd. Tahir by management which was conducted against Rules and procedure. The workman were not given proper opportunity to defend themselves. On the basis of the inquiry report the Disciplinary Authority wrongly held the charges proved and the punishment was also excessive. Accordingly, the workmen have requested for setting aside the punishment holding the charges not proved.
3. According to the Management, these two workmen were working as employees in the Telecom Factory, Jabalpur under the Management on the date of incident i.e. 5-10-1988 as Progress man Gr.I and Fitter Instrument Gr.I respectively. On 30-9-1988 at 10 am to 12.30 pm they exhibited lack of devotion to duty by leaving their place of duty without permission and instigated others to stop working by calling and collecting a mob of workers committing tress-pass in chamber of General Manager without permission. They gheraoe the General Manager and other Officers of the management and wrongfully confined them and also delivered highly inflammatory and provocative speeches which charged the mob who entered in the chamber of General Manager and damaged the property in the chamber. They were suspended on 3-10-1988 and charge sheet was issued to them. A departmental inquiry was contemplated again on 5-10-1988 as while under suspension these two workmen committed a willful insubordination and disobedience of lawful and reasonable order of superior authority by unauthorisedly entering into factory premises through gate No.2 at 9 a.m. They also trespassed the chamber of General Manager of the factory participating in demonstration for the revocation of the suspension and wrongfully confined the General Manager, Deputy Manager and other Officers. They shouted at highest pitch in the chamber of General Manager demanding withdrawal of suspension orders. And also shouted abusive and filthy slogan and threatened the Officers. A separate chargesheet was issued for this incident also and separate departmental inquiry was conducted and Shri A.B.Samantha the then Assistant Manager and Shri S.S.Jangi, Assistant Engineers were appointed the Inquiry officer and Presenting Officer respectively in the inquiries. Both the workman made the representation for change of Inquiry officer and Disciplinary Officer. The Inquiry Office was changed and Shri J.P.Khare Divisional Engineer from different circle was appointed as the Inquiry Officer. The request for change of Disciplinary Authority was refused. According to the management, the Inquiry proceeded as per rules. The Inquiry officer submitted Inquiry Report dated 20-4-1991 holding the charges of misconduct proved against these two workmen after issuing notice and perusing representation of these workmen, the Disciplinary Authority imposed the penalty of dismissal from service vide order dated 8-10-1991. These two workmen preferred an appeal before the Appellate Authority which were dismissed by the Appellate Authority vide two separate orders dated 13-6-1992 and 3-6-1992. Thereafter, these two workmen preferred a Revision Petition under Rule 29 of CCS(CCA) Rules 1965 against the order of Appellate Authority. The Revisional

Authority modified the punishment from dismissal to reduction in pay to the minimum of the time-scale for 3 years with cumulative effect” and further directed that the period of dismissal to rejoining the duty shall not be treated as duty. This order was passed on 29-1-1993 and 28-1-1993 in respect of the workmen D.J.Mukherjee and Mohd. Tahir respectively. D.J.Mukherjee preferred a mercy petition to President of India thereafter which was not accepted. According to the Management, the charges were rightly held proved against the workman and the ultimate punishment is not excessive. Accordingly the Management has prayed that the reference be answered against the workman.

4. The following preliminary issue was framed by my learned Predecessor on the basis of pleadings:-

**1. Whether the Inquiry conducted against the workman is proper and legal?**

5. The workman failed to adduce evidence on this preliminary issue. The management filed the affidavit of its witnesses as his examination in chief but he was not produced for cross-examination, hence in the back drop of these facts, the departmental inquiry was held legal and proper by my learned predecessor vide his order dated 9-5-2016. This order is part of this award.

6. Following other issues were framed by my learned Predecessor:-

**No.2 Whether the charges are proved against the workmen?**

**No.3 Whether the punishment imposed is proportionate to the charge?**

**No.4 Whether the workmen are entitled to any relief?**

7. The parties were given opportunity to lead evidence on these remaining issues.

8. The workman did not lead any oral or documentary evidence on these issues. The management filed affidavit of its witness Rakesh Sahu who proved the inquiry papers Exhibit M1 to M-22. He was not cross-examined by workmen in spite of opportunity being given.

9. At the time of argument also the workman did not appear, hence argument of learned counsel for the Management were heard by me and I have also perused the record. No written argument was filed by the workman.

**10. Issue No.2:-** Perusal of statement of charge levelled against these workmen reveals that as many as eight charges of misconduct were levelled against the workman D.J.Mukherjee and four charges were levelled against the workman Mohd. Tahir regarding mis-conduct with regard to incident of 30-9-1988 and 5-10-1988. The substance of charge has been mentioned earlier while detailing the statement of defence by management. According to the charges, these workmen committed misconduct which is in violation of Rule 31B of Certified Standing Orders. It also comes out that as many as five witnesses have been examined by prosecution in support of the charges, they all are eyewitness and victims. The delinquent employees examined as many as nine witnesses in defence and has stated that these workmen were not present in the incident. The inquiry officer has discussed the statements of these witnesses and held the witnesses of defence not reliable. I have gone through the statement of all the witness of prosecution and defence and I find no occasion to disagree from the finding of the Inquiry Officer. Accordingly affirming the finding of the Inquiry Officer regarding the proof of the charges of mis-conduct by these two workmen, these charges are proved and **Issue No.2 is answered accordingly.**

**11. Issue No.3:-**

Before proceeding, the settled proposition of law on the issue requires to be mentioned, which is as follows:-

It is admitted proposition of law that the Court cannot sit in appeal or it cannot re-appreciate the evidence relied before Inquiry Officer; in as much as it cannot alter the order or punishment; however, the scope of invoking the powers given under Section 11 A of the Act, by the Labour Court is confined to the condition that the Court should interfere with the order of punishment when it is disproportionate with respect to the misconduct committed or it is harsh.

1. Hon'ble Apex Court in **B.C. Chayurvedi v. Union of India, (1995) 6 SCC 749** while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

*“The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mold the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof.”*

2. In **DG, RPF vs. Sai Babu (2003) 4 SCC 331**, Hon'ble Apex Court has observed that:

*Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the*

*nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department /establishment which the delinquent person concerned works.”*

3. In United Commercial Bank vs. P.C. Kakkar (2003) 4 SCC 364 Hon'ble Apex Court on review of a long line of cases and the principles of judicial review of administrative action under English law summarized the legal position in the following words:

*The common thread running through in all these decisions is that the court should not interfere with the administrators' decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is judicial review is limited to the deficiency in decision-making process and not the decision.*

*To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof.”*

4. In Union of India vs. S.S. Ahluwalia (2007) 7 SCC 257 Hon'ble Supreme Court reiterated the legal position as follows:

*“..... The scope of judicial review in the matter of imposition of penalty as a result of disciplinary proceedings is very limited. The court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved.”*

5. In State of Meghalaya v. Mecken Singh N. Marak (2008) 7 SCC 580 Hon'ble Supreme Court stated that:

*“The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review.*

6. Hon'ble Apex Court in Administrator, Union Territory of Dadra and Nagar Haveli vs. Gulbhia M. Lad (2010) 2 SCC (L&S) 101 has observed that :

*“The legal position is fairly well settled that while exercising the power of judicial review, the High Court or a Tribunal cannot interfere with the discretion exercised by the disciplinary authority, and/or on appeal the appellate authority with regard to the imposition of punishment unless such discretion suffers from illegality or material procedural irregularity or that would shock the conscience of the court/tribunal. The exercise of discretion in imposition of punishment by the disciplinary authority or appellate authority is dependent on host of factors such as gravity of misconduct, past conduct, the nature of duties assigned to the delinquent, responsibility of the position that the delinquent holds, previous penalty, if any, and the discipline required to be maintained in the department or establishment he works. Ordinarily the court or the tribunal would not substitute its opinion on reappraisal of facts.*

7. Hon'ble Apex Court in (2011) 1 Supreme Court Cases (L&S) 721 has observed that:

*It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, the courts will not interfere with findings of fact recorded in departmental inquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or findings, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations*

12. The Principle which emerges from the aforesaid decisions is that this Tribunal does not work as an Appellate Authority and secondly that no interference in punishment is warranted by this Tribunal. It is proved to the satisfaction of this Tribunal that the punishment is not so shockingly disproportionate to the charge that requires interference.

13. In the case in hand, the charges proved are of abusing and behaving violently with the Senior Officers, disobeying their lawful orders and also instigating other workmen to do so. These are the charges of gross indiscipline and serious misconduct. The punishment awarded is reduction of increments of three years with cumulative effect.

Discipline is the core of every institution. No institution can work if there is indiscipline and insubordination, hence in these circumstances, the punishment awarded cannot be held to be so excessive to warrant interference by this Tribunal. Accordingly, holding the punishment awarded proportionate to the charges, **thus Issue No.3 is answered.**

**14. Issue No.4:-** In the light of the finding recorded above, the workmen are not entitled to any relief. **Accordingly Issue No.4 is answered.**

15. On the basis of the above discussion, following award is passed:-

**A. The action of the management of Telecom Factory, right Town, Jabalpur in awarding punishment of reduction of pay to the minimum of pay scale for a period of three years with effect to postpone future increments for participating in Union activities in the Factory on 5/10/88 to Shri D.J.Mukherjee and Mohd. Tahir is held to be just and legal.**

**B. The workman is held entitled to no relief.**

16. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 मई, 2022

**का.आ. 513.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य पोस्ट मास्टर जनरल, डाक विभाग दल भवन, एमपी सर्किल होशंगाबाद रोड, भोपाल (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और श्री राजेश बंजारे, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/86/2011) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.05.2022 को प्राप्त हुआ था।

[सं. एल-40011/19/2011-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 24th May, 2022

**S.O. 513.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/86/2011) of the Central Government Industrial Tribunal cum Labour Court – Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief Post Master General, D/o Posts Dal Bhawan, M.P.Circle Hoshangabad road, Bhopal (M.P.), and Shri Rajesh Banjare, worker, which was received along with soft copy of the award by the Central Government on 18.05.2022.

[No. L-40011/19/2011- IR (DU)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/86/2011

**Present:** P.K. Srivastava, H.J.S. (Retd)

Shri Rajesh Banjare,  
S/o Shri Arjunlal Banjare,  
8/8/ Nai Aabadi, Ujjain Road,  
Dewas ( M.P.)

... Workman

#### Versus

The Chief Post Master General  
D/o Posts Dal Bhawan,  
M.P. Circle Hoshangabad road, Bhopal (M.P.)

...Management



**AWARD****(Passed on 9-5-2022)**

As per letter dated 19/9/2011 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-40011/19/2011-IR(DU). The dispute under reference relates to:

***“Whether the action of the management of Chief Post Master, Department of Post, Dewas, in not regularizing the service of Shri Rajesh Banjare S/o Shri Arjunlal Banjare is legal and justified? What relief the workman is entitled to? .”***

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.

2. The case of the workman as stated in his statement of claim is that he was first appointed as cleaner in the Main Post Office Dewas under the Management against the vacant post of cleaner on 6-7-1994 and continued in service till 13-6-1999 and was terminated without any notice or compensation which was against law. He filed a case against his termination before Central Administrative Tribunal Jabalpur which was disposed by the Tribunal vide order dated 30-9-2000 with the observation that the workman could pursue remedy before appropriate forum. The workman then filed an application under Section 33C(2) of the Industrial Disputes Act, 1947 hereinafter referred to as the word Act which was registered as CGIT/LC/6/C/2001 and was dismissed by this Tribunal vide order dated 7-9-2015. He was reinstated by Management on 24-10-2003 on the same post and has been working since 24-10-2003 till date to the satisfaction of Management as cleaner since last 13 years but the Management is not providing him benefits admissible to regular employees nor is regularizing him as per rules, where as he has put in 13 years of continuous service with the management and is entitled to be regularized as per rules and also entitled to all the benefits admissible to regular employees. According to the workman, this is against law and is unfair labour practice which is required to be undone by the Tribunal. Accordingly the workman has prayed that he be held entitled to all the benefits admissible to regular employees engaged in cleaning work and be regularized as per rules.

3. The case of the management is mainly that consequent upon death of a Group-D employee who was a cleaner in the Main Office, the workman was appointed as a daily wager in the year 1994. He continued as a daily wager cleaner till 21-6-1999 and was discontinued after a regular cleaner joined the services. Again he was engaged as a daily wager since 24-10-2003 on the wage rates fixed by the Collector for daily wagers and has been working as a daily wager till date. According to the management, since the workman is not appointed as per procedure, he is not entitled to be regularized.

4. The workman has filed and proved documents, Exhibit W1 to Exhibit W-10 to be referred to as and when required and has examined himself on oath. He has been cross-examined by Management. The Management has examined its witness Shri Praveen Shrivastav, Superintendent and has been cross-examined by the workman. The Management has filed a photocopy of certified copy of order of this Tribunal passed in Case No. CGIT/LC/C/6/2001 under Section 33 C(2) of the Act.

5. I have heard arguments of learned counsel Shri Amitabh Dey for the workman and Shri S.K.Mishra learned counsel for the management. Both the parties have filed written arguments also. I have perused the written arguments as well as the record.

6. Perusal of the record in the light of rival arguments makes out the following issues for determination:-

1. **Whether the Management has adopted unfair labour practice by not regularizing the services of workman Rajesh Banjare?**
2. **Whether the workman is entitled to any relief?”**

**7. Issue No.1:-** It is not disputed between the parties that the workman has been working with the management as a daily wager right from 24-10-2003 till date. The question thus arises is whether it is unfair labour practice to engage a badli or casual labour for a work for a period of more than 10 years without regularizing his services. Section 2r(a) of the Act requires to be mentioned as follows:-

**2(r) “unfair labour practice” means any of the practices specified in the Fifth Schedule;**

*The Vth Schedule of the Act is being reproduced as following which mentions about the unfair labour practice.*

**2[THE FIFTH SCHEDULE**

**[See section 2(r)]**

**UNFAIR LABOUR PRACTICES****I.—On the part of employers and trade unions of employers**

**1. To interfere with, restrain from, or coerce, workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or**

**other mutual aid or protection, that is to say:—**

- (a) threatening workmen with discharge or dismissal, if they join a trade union;**
  - (b) threatening a lock-out or closure, if a trade union is organised;**
  - (c) granting wage increase to workmen at crucial periods of trade union organisation, with a view to undermining the efforts of the trade union organisation.**
- 2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say:—**
- (a) an employer taking an active interest in organising a trade union of his workmen; and**
  - (b) an employer showing partiality or granting favour to one of several trade unions attempting to organise his workmen or to its members, where such a trade union is not a recognised trade union.**
- 3. To establish employer sponsored trade unions of workmen.**
- 4. To encourage or discourage membership in any trade union by discriminating against any workman, that is to say:—**
- (a) discharging or punishing a workman, because he urged other workmen to join or organise a trade union;**
  - (b) discharging or dismissing a workman for taking part in any strike (not being as trike which is deemed to be an illegal strike under this Act);**
  - (c) changing seniority rating of workmen because of trade union activities;**
  - (d) refusing to promote workmen to higher posts on account of their trade union activities;**
  - (e) giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union;**
  - (f) discharging office-bearers or active members of the trade union on account of their trade union activities.**
- 5. To discharge or dismiss workmen—**
- (a) by way of victimisation;**
  - (b) not in good faith, but in the colourable exercise of the employer's rights;**
  - (c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;**
  - (d) for patently false reasons;**
  - (e) on untrue or trumped up allegation of absence without leave;**
  - (f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste;**
  - (g) for misconduct of a minor or technical character, without having any regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to a disproportionate punishment.**
- 6. To abolish the work of a regular nature being done by workmen, and to give such work to contractors as a measure of breaking a strike.**
- 7. To transfer a workman *mala fide* from one place to another, under the guise of following management policy.**
- 8. To insist upon individual workmen, who are on a legal strike to sign a good conduct bond, as a pre-condition to allowing them to resume work.**

9. To show favouritism or partiality to one set of workers regardless of merit.
10. To employ workmen as “badlis”, casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen.
11. To discharge or discriminate against any workman for filing charges or testifying against an employer in any enquiry or proceeding relating to any industrial dispute
12. To recruit workmen during a strike which is not an illegal strike.
13. Failure to implement award, settlement or agreement.
14. To indulge in acts of force or violence.
15. To refuse to bargain collectively, in good faith with the recognised trade unions.
16. Proposing or continuing a lock-out deemed to be illegal under this Act.

**II.—On the part of workmen and trade unions of workmen**

1. To advise or actively support or instigate any strike deemed to be illegal under this Act.
2. To coerce workmen in the exercise of their right to self-organisation or to join a trade union or refrain from joining any trade union, that is to say:—
  - (a) for a trade union or its members to picketing in such a manner that non-striking workmen are physically debarred from entering the work place;
  - (b) to indulge in acts of force or violence or to hold out threats of intimidation in connection with a strike against non-striking workmen or against managerial staff.
3. For a recognised union to refuse to bargain collectively in good faith with the employer.
4. To indulge in coercive activities against certification of a bargaining representative.
5. To stage, encourage or instigate such forms of corrective actions as wilful “go slow”, squatting on the work premises after working hours or “gherao” of any of the members of the managerial or other staff.
6. To stage demonstrations at the residence of the employers or the managerial staff members.
7. To incite or indulge in willful damage to employer's property connected with the industry.
8. To indulge in acts of force or violence or to hold out threats of intimidation against any workman with a view to prevent him from attending work.]

8. In the Vth Schedule of the Act, at point 9, it is an unfair labour practice to employee working as badlis or casual or temporary and to continue them as such for years, with the object of depriving them of the status and privileges of a permanent worker. Going by the admitted facts as mentioned above it is established that by engaging the present workman for more than 10 years continuously since 24-10-2003 till ate as a casual labour without regularizing him is unfair labour practice adopted by the management. **Issue No.1 is answered accordingly.**

9. **Issue No.2:-** IN the light of the findings recorded at Issue No.2, the question arises as to the relief the workman is entitled to . Section 25T of the Act prohibits unfair labour practice.

**25T. Prohibition of unfair labour practice.—No employer or workman or a trade union, whether registered under the Trade Unions Act, 1926 (18 of 1926), or not, shall commit any unfair labour practice.**

Section 25(U) of the Act provides punishment for it which is mentioned as under:-

**25U. Penalty for committing unfair labour practices.—Any person who commits any unfair labour practice shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.]**

10. Like many Acts which are not approved by law, there are civil and criminal consequences . The Criminal consequences of unfair labour practice is provided under Section 25U of the Act. The civil consequences of adopting unfair labour practice is not provided in the Act. The question again arises as to whether this Tribunal will be a mute spectator in such a case where the management is guilty of adopting unfair labour practice and allowing such a practice to perpetuate or will be pro active and pass suitable orders to undo such practice.

11. I am of the considered view that this Tribunal cannot sit idle and Act as a mute spectator in such a case and allow such an illegality to perpetuate. This Tribunal is thus within its powers and obligations to dispense complete justice between the parties and pass suitable orders in this respect.

12. Learned Counsel for the management has referred to Judgement of Hon'ble the Apex Court in the case of **Secretary State of Karnataka Vs. Uma Devi AIR(2006) SC 1806** in this respect in order to support his argument that since the workman was not appointed as per service rules and following due process regarding selection no right can be granted to him regarding his regularization or permanency of service. Learned Counsel has further referred to judgment of this Tribunal in the case under Section 33 C(2) of the Act referred to earlier.

13. On the other hand it has been submitted by learned counsel for workman that the judgment of Uma Devi case(supra)it is not fully applicable in Industrial adjudications. Learned Counsel has referred to the judgment of Hon'ble the Apex Court in the case of **U.P.State electricity Board Vs. Pooran Chandra Pandey and Others reported in Indian Kanoon/Doc./1569551** and the judgement of Hon'ble the Apex Court in the following cases:-

1. **Ajaypal Singh Vs. Haryana Warehousing Corporation reported in (2015) 6 SCC 321.**
2. **Maharashtra State Road Transport Corporation Vs. Casteribe Rajya Parivahan Karmachari Sangathan (2009) 8 SCC 556.**
3. **Harinandan Prasad and Another Vs. Food Corporation of India and Another (2014) 7 SCC 190.**

In the case of Pooran Chandra Pandey( supra) Hon'ble the Apex Court has made the following observations in para 16 of the judgement which reads as under:-

16. We are constrained to refer to the above decisions and principles contained therein because we find that often Uma Devi's case (supra) is being applied by Courts mechanically as if it were a Euclids formula without seeing the facts of a particular case. As observed by this Court in Bhavnagar University (supra) and Bharat Petroleum Corporation Ltd. (supra), a little difference in facts or even one additional fact may make a lot of difference in the precedential value of a decision. Hence, in our opinion, Uma Devi's case (supra) cannot be applied mechanically without seeing the facts of a particular case, as a little difference in facts can make Uma Devi's case (supra) inapplicable to the facts of that case.

14. In the case of Ajay Pal Singh (supra), para-16 as referred to by learned counsel for the workman is being reproduced as under:-

16:-The effect of the Constitution Bench Decision in State of Karnataka Vs. Una devi in case of unfair labour practice was considered by this Court in Maharashtra SRTC Vs. Casteribe Rajya Praivahan Kaarmchhari not overridden powers of the Industrial and labour Courts in passing appropriate order, once unfair Laboaur practice on the part of employer is established. This court observed and held as follows Casteribe Sanghathana Case, SCC PP.573-74 & 579, para 34-36 and 47).

34."It is true that Dharwad District PWD Literate Daily Wages Employees'Assn. V. State of Karnataka arising out of Industrial adjudication has been considered in State of Karnataka Vs. Umadevi and that decision has been held to be not laying down the correct law but a careful and complete reading of the decision in Umadevi leaves no manner of doubt that what this Court was concerned in Umadevi was the exercise of power by the High Courts under Article 226 and this Court under Article 32 of the Constitution of India in the matters of public employment where the employees have been engaged as contractual, temporary or casual workers not based on proper selection as recognized by the rules or procedure and yet orders of their regularization and conferring them status of permanency have been passed.

35:- Uma devi is an authoritative pronouncement for the proposition that the Supreme Court (Article 32) and the High Courts (Article 226) should not issue direction of absorption, regularization or permanent continuance of temporary, contractual, casual, daily wage or ad hoc employees unless the recruitment itself was made regularly in terms of the constitutional scheme.

36:- Uma devi does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with Section 32 of the MRTU and PULP Act to order permanency of the workers who have been victims of unfair labour practice on the part of the employer under Item 6 of Schedule IV where the posts on which they have been working exists. Umadevi cannot be held to have overridden the powers of the Industrial and Labour Courts in passing appropriate order under the Industrial and Labour Courts in passing appropriate order under Section 30 of the MRTU and PULP ACT, ONCE UNFAIR LABOUR PRACTICE ON THE PART OF THE EMPLOYER UNDER Item 6 of the Schedule IV is established.

47:-It was strenuously urged by the learned Senior Counsel for the Corporation that the Industrial Court having found that the Corporation indulged in unfair labour practice in employing the complainants as casual on piece-rate basis, the only direction that could have been given to the Corporation Was to cease and desist from indulging in such unfair labour practice and no direction of according permanency to these employees could have been given. We are afraid the argument ignores and overlooks the specific power given to the Industrial/Labour Court under Section 30(1)(b) to take affirmative action against the erring employer which as notice above is of wide amplitude and comprehends within its fold a direction to the employer to accord permanency to the employees affected by such unfair labour practice.

15. Further more para 33 to 38 of the judgment in the case of Harinandan Prasad and Another (supra) referred to by learned counsel for the workman is also being reproduced as follows:-

33. It is, thus, this fine balancing which is required to be achieved while adjudicating a particular dispute, keeping in mind that the industrial disputes are settled by industrial adjudication on principle of fair play and justice.

34. On harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularization only because a worker has continued as daily wage worker/adhoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularization would be impermissible. In the aforesaid circumstances giving of direction to regularize such a person, only on the basis of number of years put in by such a worker as daily wagger etc. may amount to backdoor entry into the service which is an anathema to Art.14 of the Constitution. Further, such a direction would not be given when the concerned worker does not meet the eligibility requirement of the post in question as per the Recruitment Rules. However, wherever it is found that similarly situated workmen are regularized by the employer itself under some scheme or otherwise and the workmen in question who have approached Industrial/Labour Court are at par with them, direction of regularization in such cases may be legally justified, otherwise, non-regularization of the left over workers itself would amount to invidious discrimination qua them in such cases and would be violative of Art.14 of the Constitution. Thus, the Industrial adjudicator would be achieving the equality by upholding Art. 14, rather than violating this constitutional provision.

35. The aforesaid examples are only illustrated. It would depend on the facts of each case as to whether order of regularization is necessitated to advance justice or it has to be denied if giving of such a direction infringes upon the employer's rights

36. In the aforesaid backdrop, we revert the facts of the present case. The grievance of the appellants was that under the Scheme contained in Circular dated 6.5.1997 many similarly placed workmen have been regularized and, therefore, they were also entitled to this benefit. It is argued that those who had rendered 240 days service were regularized as per the provision in that Scheme/Circular dated 6.5.1987.

37. On consideration of the cases before us we find that appellant No.1 was not in service on the date when Scheme was promulgated i.e. as on 6.5.1987 as his services were dispensed with 4 years before that Circular saw the light of the day. Therefore, in our view, the relief of monetary compensation in lieu of reinstatement would be more appropriate in his case and the conclusion in the impugned judgment qua him is unassailable, though for the difficult reasons (as recorded by us above) than those advanced by the High Court. However, in so far as appellant No.2 is concerned, he was engaged on 5.9.1986 and continued till 15.9.1990 when his services were terminated. He even raised the Industrial dispute immediately thereafter. Thus, when the Circular dated 5.9.1987 was issued, he was in service and within few months of the issuing of that Circular he had completed 240 days of service.

38. Non-regularization of appellant No.2, while giving the benefit of that Circular dated 6.5.1987 to other similar situated employees and regularizing them would, therefore, be clearly discriminatory. On these facts, the CGIT rightly held that he was entitled to the benefit of scheme contained in Circular dated 6.5.1987. The Division Bench in the impugned judgment has failed to notice this pertinent and material fact which turns the scales in favour of appellant No.2. High Court committed error in reversing the direction given by the CGIT, which was rightly affirmed by the learned Single Judge as well, to reinstate appellant No.2 with 50% back wages and to regularize him in service. He was entitled to get his case considered in terms of that Circular. Had it been done, probably he would have been regularized. Instead, his services were wrongly and illegally terminated in the year 1990. As an upshot of the aforesaid discussion, we allow these appeals partly. While dismissing the appeal qua appellant No.1, the same is accepted in so far as appellant No.2 is concerned. In his case, the judgment of the Division Bench is set aside and the award of the CGIT is restored. There shall, however, be no order as to costs.



16. From the above discussion, the position of law established is that the case of Uma Devi is not fully applicable for industrial adjudication and disputes arising under the Act. Secondly this is also established that in suitable cases the Industrial Tribunal may issue direction for regularization or granting permanent status to the workman in order to ensure complete justice and equality.

17. Now coming to the facts in the case in hand Exhibit W-7 is a information furnished by Management in RTI Act which goes to establish that there is a vacant post of sweeper in the Main Post Office Dewas. The Management Witness Mr. Shrivastav has stated in his cross-examination and had admitted that there is vacancy of sweeper with the Management at present. The work taken from the workman is same as that of a regular sweeper doing on the post of sweeper in Group-D. The procedure of appointment of sweeper in Group-D is one and same, he also admitted that the workman is regularly working as a daily wagger since 24-10-2003.

18. The Management could not produce any Rules regarding appointment of Sweeper. This is also established from evidence on record that name of the workman was cleared when he had applied for the post of sweeper his case was scrutinized by the management. In absence of specific rules regarding recruitment of sweeper, it cannot be held that the appointment of the present workman is against recruitment procedure. This is also established that the Management is guilty of adopting unfair labour practice in the case in hand by continuing the workman as a daily wagger vacancy and not granting him benefits of permanent employee by way of regularizing him. Hence, the case in hand is a fit case for this Tribunal to interfere for the sake of justice and for undoing the unfair labor practice adopted by the Management in the case in hand. Accordingly the workman in the case in hand is entitled to all the benefits admissible to permanent and regular sweeper and to be considered for regularization as per rules with the management.

19. On the basis of the above discussion, following award is passed:-

- A. The action of the management of Chief Post Master, Department of Post, Dewas, in not regularizing the service of Shri Rajesh Banjare S/o Shri Arjunlal Banjare is held to be against law and not justified.**
- B. The workman is held entitled to be considered for regularization by Management as per Rules and is also entitled to all the benefits admissible to a permanent sweeper.**

20. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 मई, 2022

**का.आ. 514.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पूर्व मध्य रेलवे प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं 1 धनबाद के पंचाट (संदर्भ संख्या 15/2020) को प्रकाशित करती है।

[स. एल-41011/17/2020-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 25th May, 2022

**S.O. 514.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* No1. Dhanbad as shown in the Annexure, in the industrial dispute between the management of Eastern Central Railway and their workmen.

[No. L-41011/17/2020- IR(B-1)]

D. GUHA, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 15/2020**

Employer in relation to the management of Eastern Central Railway, Dhanbad

**AND****Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri Mithilesh Mishra, Advocate

For the workman. : Sri K.N. Singh. Representative

State : Jharkhand

Industry:- Railway

Dated : 20.04.2022

**AWARD**

By Order No.L-41011/17/2020- (IR (B-I)) dated 16.07.2020 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the act of management of Eastern Central Railway, Dhanbad in denying employment to Shri Ajit Kumar, dependent son of late Mannilal Yadav, on compassionate ground is proper, legal and justified? If not, what relief is he entitled to?”**

2. The reference is received on 17/08/2020 by this Tribunal in which the Vice President, Janta Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and both parties appeared on certain dates. Further in course of hearing of the case, the learned lawyer of the management has filed a petition stating therein that the concerned workman has been appointed as Asstt. Commercial Clerk in Eastern Central Railway. The learned lawyer of management has also filed letter of appointment and Pay Slip of concerned workman. The learned lawyer of concerned workman has admitted the fact, as such case may be closed.. Hence “No Claim” award is passed. communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 25 मई, 2022

**का.आ. 515.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 43/2019) को प्रकाशित करती है।

[स. एल-12012/01/2017-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 25th May, 2022

**S.O. 515.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of Northern Railway and their workmen.

[No. L-12012/01/2017– IR(B-1)]

D.GUHA, Under Secy.

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT LUCKNOW

PRESENT : SOMA SHEKHAR JENA, HJS (Retd.)

I.D. No. 43/2019

Ref. No. L-12012/01/2017 - IR(B-I) dated: 17.01.2019

## BETWEEN :

Shri S. N. Srivastava, General Secretary  
Rail Sewak Sangh  
J-422, Indralok Colony  
Kanpur Road, Lucknow-226023

## AND

Deputy Chief Engineer (Bridge)  
Northern Railway Bridge Work-Shop  
Charbagh, Lucknow.

## AWARD

1. By order No. L-12012/01/2017 - IR(B-I) dated: 17.01.2019 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute to this CGIT-cum-Labour Court, Lucknow for adjudication

2. The reference under adjudication is:

***“KYA PRABANDHAN, UTTAR RAILWAY, BRIDGE WORKSHOP, LUCKNOW DWARA SHRI S.N. SRIVASTAVA, BRI GRADE-III KO DINANK 21.06.1990 SE 29.10.1990 KI AVADHI KA VETAN KA BHUGTAAN NA KIYA JANA NYAYOCHIT EVAM VAIDH HAI? YADI NAHI TO KAAMGAAR KIS RAAHAT KO PAANE KA HAQDAAR HAI?”***

3. The order of reference was endorsed to the Shri S. N. Srivastava, General Secretary, Rail Sewak Sangh, J-422, Indralok Colony, Kanpur Road, Lucknow with direction to the party raising the dispute to file the statement of claim along with relevant documents, list of witnesses with the Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such a statement to each one of the opposite parties involved in this dispute under rule 10 (B) of the Industrial Disputes (Central), Rules, 1957.

4. The order of reference was registered in the Tribunal on 16.08.2019 and the office was directed to issue registered notice to the workman's union for filing the statement of claim with list of witnesses on 21.10.2019. On the date fixed i.e. 21.10.2019 none turned up on behalf of the union; however, the envelope containing notice to the workman's union had been received back in the office unserved with remark 'not known/lene se mana kiya', therefore, the service of notice was sufficiently presumed. The management filed its authority on 13.04.2021. Further dates were fixed in the interest of justice for filing of statement of claim. The workman union remained absent on 01.09.2020, 09.12.2020, 03.02.2021, 13.04.2021, 01.09.2021, 16.11.2021, 10.02.2022 and 18.02.2022. The union neither turned up on any of the aforementioned dates nor moved any application for adjournment seeking time to file the statement of claim. More than two years' time have passed and the workman's union has failed to file its statement of claim, therefore, the case was reserved for award keeping in view the reluctance of the workman's union to pursue the case.

5. In the above circumstances, it appears that the workman's Union does not want to substantiate its claim on the basis of which it has raised the present industrial dispute; therefore, the present reference order is decided as if there is no grievance left with the workman's union. Resultantly, no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

6. Award as above.

7. Let two copies of this award be sent to the Ministry for publication.

LUCKNOW.

11<sup>th</sup> May, 2022.

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 25 मई, 2022

**का.आ. 516.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 नई दिल्ली के पंचाट (संदर्भ संख्या 113/2020) को प्रकाशित करती है।

[सं. एल-12011/08/2020-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 25th May, 2022

**S.O. 516.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.113/2020) of the Cent.Govt.Indus.Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/08/2020- IR(B-1)]

D. GUHA, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty**ID.NO.113/2020**

Shri Ravinder Kumar,  
Through Sh. Man Mohan Sood, Regional Secretary,  
State Bank of India Staff Association, Region-IV,  
Saharanpur, Add: House No. 1B/4181, Street No. 48,  
Near Sharda Nagar Chowk, Sharanpur, Uttar Pradesh-247001

...Workman

**Versus**

The Regional Manager,  
State Bank of India,  
Region –IV, Saharanpur, Opp. Thana Sadar,  
Saharnpur, Uttar Pradesh-247001.

...Management

**AWARD**

In the present case, a reference was received from the appropriate Government vide reference No. L-12011/08/2020-IR(B-I) dated 11.03.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the management of State Bank of India is justified in denying the payment of salary in lieu of recovery of excess paid sum to the workman Sh. Ravinder Kumar, retired from armed forces and reemployed with bank? If so, is the bank management free to recover the excess amount paid to the workmen as it deem fit?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the management. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

PRANITA MOHANTY, Presiding Officer